

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA :
: _____
-against- : 21-CR-603 (VEC)
: _____
WILLIAM WASHINGTON, : _____ ORDER
: _____
Defendant. : _____ X

VALERIE CAPRONI, United States District Judge:

WHEREAS on September 26, 2023, Mr. Washington entered a plea of guilty to Count 1 of the Superseding Indictment (S9) before Magistrate Judge Wang, and the Court accepted his guilty plea the following day, *see* Order, Dkt. 1054;

WHEREAS Mr. Washington is scheduled to be sentenced on Friday, March 1, 2024, at 2:30 P.M., and pre-sentencing submissions are due on Friday, February 16, 2024, *see* Order, Dkt. 1250;

WHEREAS beginning on January 26, 2024, Mr. Washington expressed concerns about the effectiveness of his counsel's representation and his access to discovery, *see* Letters, Dkts. 1273, 1274;

WHEREAS on February 6, 2024, Mr. Washington moved to proceed in this matter *pro se* and for an evidentiary hearing, *see* Mot., Dkt. 1280; and

WHEREAS on February 6, 2024, the parties appeared before the Court for a status conference (the "Conference");

IT IS HEREBY ORDERED that, for the reasons stated at the Conference, Defendant has knowingly, voluntarily, and unequivocally waived his right to counsel and may proceed in this matter *pro se*.

IT IS FURTHER ORDERED that Scott Tulman and Mitchell Epner ("Former Defense Counsel") are relieved as counsel.

IT IS FURTHER ORDERED that, for the reasons stated at the Conference, Mr. Washington's motion for an evidentiary hearing is DENIED without prejudice. The Clerk of Court is respectfully directed to close the open motion at Docket Entry 1280.

IT IS FURTHER ORDERED that any motion by Mr. Washington to withdraw his guilty plea must be filed no later than **Tuesday, February 27, 2024**. The Government's response is due no later than **Tuesday, March 26, 2024**, and Mr. Washington's reply is due no later than **Tuesday, April 9, 2024**. If Mr. Washington decides not to move to withdraw his guilty plea, he must file a letter indicating his decision no later than **Tuesday, February 27, 2024**.

IT IS FURTHER ORDERED that, if Mr. Washington does not move to withdraw his guilty plea, sentencing is adjourned from Friday, March 1, 2024, at 2:30 P.M. to **Friday, March 29, 2024, at 2:30 P.M.**¹ The deadline for pre-sentencing submissions is extended from Friday, February 16, 2024, to **Friday, March 15, 2024**. If Mr. Washington moves to withdraw his guilty plea, the Court will adjourn sentencing *sine die*.

IT IS FURTHER ORDERED that, once the Court has entered a Protective Order covering Mr. Washington personally, Former Defense Counsel must produce any discovery materials to Mr. Washington except for materials marked "attorneys' eyes only," 3500 material that was produced to them prior to his guilty plea, and documents reflecting witness interviews that were produced within the last month. If Mr. Washington believes that any of the discovery materials that the Court has ordered not be supplied to him (including 3500 material that was previously produced) is relevant at this stage of the case, he may make a motion to compel the Government to produce specified material to him. Any such motion must be preceded by a "meet and confer" with the Government regarding the request. Any motion to compel must identify the specific materials that Mr. Washington contends he needs at this stage of the proceeding and explain why the materials are relevant and the Court's authority to order them

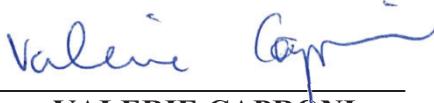
¹ This sentencing date differs from the one the Court provided at the Conference.
2 of 3

produced given the current posture of his case and the agreements he made as part of his plea agreement with the Government. To facilitate Mr. Washington's receipt of the case material, Mr. Washington is ordered to provide Former Defense Counsel with an external hard drive with adequate capacity given the volume of discovery in this case.

IT IS FURTHER ORDERED that not later than **Friday, February 9, 2024**, the Government must provide a draft protective order to Mr. Washington.

IT IS FURTHER ORDERED that, after a Protective Order has been entered in this case covering Mr. Washington personally, the coordinating discovery attorney Emma Greenwood ("Ms. Greenwood") is ordered to give Mr. Washington access to any materials in the electronic database in this case **except** for materials marked "attorneys' eyes only." Although Ms. Greenwood is an attorney, Mr. Washington has acknowledged understanding that he will not have an attorney-client relationship with her; the Court orders that she provide him with the same sort of reasonable assistance in accessing the materials in the electronic database as she would provide to an attorney representing him.

Date: February 7, 2024
New York, NY


VALERIE CAPRONI
United States District Judge